

Appl. No. : 09/874,565
Filed : June 5, 2001

SUMMARY OF INTERVIEW

Exhibits and/or Demonstrations

Applicants' representative demonstrated an embodiment of the software used in creating an aerial message.

Identification of Claims Discussed

Claim 1 was discussed.

Identification of Prior Art Discussed

U.S. Patent No. 5,992,065 to Preiser ("the Preiser patent") was discussed.

Proposed Amendments

No proposed amendments were discussed.

Principal Arguments and Other Matters

Applicants' representative explained the difference between the invention and the prior art.

Results of Interview

Agreement with respect to the claims was reached. The Examiner agreed that Preiser does not teach "each of the plurality of slave controllers is a node on the wireless LAN and is configured to receive data from and transmit data to the master controller" as in Claim 1.

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REMARKS

The foregoing amendments and the following comments are responsive to the objections and rejections set forth by the Examiner in the August 23, 2004 Office Action.

Applicants would like to thank Examiner Nguyen for the interview extended to Applicants' counsel of record, Arthur S. Rose and Amy C. Christensen, on November 4, 2004. During the interview, Applicants' counsel presented a demonstration of an embodiment of the software showing the various functions disclosed in the application. We then discussed the differences between the claims and cited Preiser reference. After our discussion, the Examiner agreed that the Preiser reference does not teach that "each of the plurality of slave controllers is a node on the wireless LAN and is configured to receive data from and transmit data to the master controller" as claimed in Claim 1. The remainder of the response addresses the issues discussed at the Examiner interview.

Claims 1-72 are pending in this application. The Examiner allowed Claims 32-41, 53, and 54, objected to claim 56, and rejected Claims 1-31, 42-52, 55, and 57-72. In particular, the Examiner rejected Claims 1-31, 42-52, 55, and 68-72 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,992,065 ("the Preiser patent"). The Examiner further rejected Claims 57-67 under 35 U.S.C. § 103(a) as being unpatentable over the Preiser patent in view of U.S. Patent No. 5,883,586 ("the Tran patent").

By this amendment, Applicants have canceled Claims 27, 28, 49-52, 55, and 68-72, has amended Claims 1, 19, 29, 35, 48, 53, 56-59, and 65, and has added new Claims 73-95. Reconsideration of the pending claims is respectfully requested.

ALLOWED CLAIMS 32-41, 53, and 54

The Examiner allowed Claims 32-41, 53, and 54. Applicants have amended Claim 35 to correct the dependency. Amended Claim 35 is dependent upon Claim 34 instead of Claim 32. Claim 53 has been amended to correct a typographical error. Applicants respectfully request allowance of amended Claims 35, and 53.

ALLOWABLE SUBJECT MATTER - CLAIM 56

The Examiner stated that Claim 56 would be allowable if rewritten into independent form to include the limitations of the corresponding base claim and any intervening claims. With this amendment, Applicants have rewritten Claim 56 to include all the limitations of Claim 55 and have canceled Claim 55. Applicants respectfully submit that amended Claim 56 is now in condition for allowance.

REJECTION OF CLAIMS 1-31, 42-52, 55, AND 68-72 UNDER 35 U.S.C. § 102(b)

The Examiner rejected Claims 1-31, 42-52, 55, and 68-72 under 35 U.S.C. § 102(b) as being anticipated by Preiser. In view of the following discussion, Applicants respectfully traverse this rejection.

By this amendment, Applicants have canceled Claims 27, 28, 49-52, 55 and 68-72 without prejudice or disclaimer.

Applicants respectfully submit that the remaining claims are patentably distinguished over the cited prior art including the Preiser patent. Claims 1 and 29 have been amended to point out that the slave controllers and vapor puff systems are designed to be located in the aircraft. This is intended to make it clear that the claimed invention does not include the aircraft. Claim 19 has been amended to clarify that the data indicates "whether" the aircraft is to produce a vapor emission. Claim 48 has been amended to correct the grammar.

Claims 1 and 29

Preiser shows an aerial message system having one-way communication channels from the aircraft #1 radio transmitter to each of the radio receivers in the four other aircraft. See column 6 line 60-column 7 line 13.

In contrast, Claims 1 and 29 call for a master controller to receive data from and transmit instructions to each of a plurality of slave controllers over a wireless network.

Because the reference cited by the Examiner does not disclose, teach or suggest the use of a wireless network configured to transmit data to a plurality of slave controllers and to receive data from each of the plurality of slave controllers, Applicants assert that Claims 1 and 29 are not anticipated by Preiser. Applicants therefore

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respectfully submit that Claims 1 and 29 are patentably distinguished over the cited reference and Applicants respectfully request allowance of Claims 1 and 29.

Claims 2-18

Claims 2-18, which depend from Claim 1, are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Claims 30 and 31

Claims 30 and 31, which depend from Claim 29, are believed to be patentable for the same reasons articulated above with respect to Claim 29, and because of the additional features recited therein.

Claim 19

Preiser discloses an aerial message system having a one-way communication channel from the aircraft #1 radio transmitter to each of the radio receivers in the four other aircraft. See column 6 line 60-column 7 line 13.

In contrast, Claim 19 calls for a computer to receive status data from and transmit puff data to each of a plurality of controllers.

Because the reference cited by the Examiner does not disclose, teach or suggest transmitting puff data from a computer to a plurality of controllers and receiving status data at the computer from each of the plurality of controllers, Applicants assert that Claim 19 is not anticipated by Preiser. Applicants therefore respectfully submit that Claim 19 is patentably distinguished over the cited reference and Applicants respectfully request allowance of Claim 19.

Claims 20-26

Claims 20-26, which depend from Claim 19, are believed to be patentable for the same reasons articulated above with respect to Claim 19, and because of the additional features recited therein.

Claim 42

Preiser does not appear to teach a graphical user interface configured to display one or more screens that are used to create an aerial message. Further, Preiser does not appear to teach a simulation module to graphically simulate the creation of the aerial message.

In contrast, an embodiment of the invention comprises a graphical user interface and a simulation module. The graphical user interface displays screens that are used to create an aerial message. The simulation module graphically illustrates the creation of the aerial message. This feature of the Applicants' invention was shown during the examiner interview. See Figures 15 and 16.

Because the reference cited by the Examiner does not disclose, teach or suggest the use of a graphical user interface configured to display one or more screens where a user employs the displayed screens to create an aerial message, and a simulation module configured to graphically simulate the creation of the aerial message, Applicants assert that Claim 42 is not anticipated by Preiser. Applicants therefore respectfully submit that Claim 42 is patentably distinguished over the cited reference and Applicants respectfully request allowance of Claim 42.

Claims 43-45

Claims 43-45, which depend from Claim 42, are believed to be patentable for the same reasons articulated above with respect to Claim 42, and because of the additional features recited therein.

Claims 46 and 47

Preiser does not appear to disclose an internet protocol address associated with a particular node on a wireless network. Further, Preiser does not appear to teach any wireless network.

In contrast, an embodiment of the invention is a data format comprising an internet protocol address including an address associated with a particular node on a wireless network.

Because the reference cited by the Examiner does not disclose, teach or suggest data format comprising an internet protocol address including an address

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associated with a particular node on a wireless network, Applicants assert that Claims 46 and 47 are not anticipated by Preiser. Applicants therefore respectfully submit that Claims 46 and 47 are patentably distinguished over the cited reference and Applicants respectfully request allowance of Claims 46 and 47.

Claim 48

Preiser does not appear to disclose correlating a graphical image to a physical aircraft where the graphical image displays a vapor puff graphic at the same time as its corresponding physical aircraft emits a vapor puff. Further, Preiser does not appear to disclose any graphical image.

In contrast, an embodiment of the invention comprises correlating a graphical image to a physical aircraft where the graphical image displays a vapor puff graphic at the same time as its corresponding physical aircraft emits a vapor puff.

Because the reference cited by the Examiner does not disclose, teach or suggest correlating a graphical image to a physical aircraft where the graphical image displays a vapor puff graphic at the same time as its corresponding physical aircraft emits a vapor puff, Applicants assert that Claim 48 is not anticipated by Preiser. Applicants therefore respectfully submit that Claim 48 is patentably distinguished over the cited reference and Applicants respectfully request allowance of Claim 48.

For the reasons set forth above, Applicants respectfully submit that Claims 1-31, 42-52, 55, and 68-72 are patentably distinguished over the cited references and Applicants respectfully request allowance of Claims 1-31, 42-52, 55, and 68-72.

REJECTION OF CLAIMS 57-67 UNDER 35 U.S.C. § 103(a)

The Examiner rejected Claims 57-67 under 35 U.S.C. § 103(a) as being unpatentable over Preiser in view of Tran. In view of the above claim amendments and the following discussion, Applicants respectfully traverse this rejection.

Claims 57-59 and 65 have been amended to correct the dependency. Amended Claims 57-59 and 65 are dependent upon Claim 56 instead of canceled Claim 55.

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Amended Claims 57-59, and 65, and Claims 60-64, 66, and 67, which depend from Claim 56, are believed to be patentable for the same reasons articulated above with respect to Claim 56, and because of the additional features recited therein.

NEW CLAIMS 73-95

New Claim 73 claims the two-way communication between the master and slave controllers over the local area network. New Claim 73 has been added to more fully define the Applicants' invention and is believed to be fully distinguished over the prior art of record.

New Claims 74-83 depend from new Claim 73 and are believed to be allowable for the same reasons articulated above with respect to Claim 73, and because of the additional features recited therein.

New Claim 84 claims the controllers each having a processor and data storage module, where each slave controller processes instructions from the master controller and implements the instructions automatically. New Claim 84 has been added to more fully define the Applicants' invention and is believed to be fully distinguished over the prior art of record.

New Claims 85-89 depend from new Claim 84 and are believed to be allowable for the same reasons articulated above with respect to Claim 84, and because of the additional features recited therein.

New Claim 90 is an apparatus claim based upon allowed method Claim 54. New Claim 90 has been added to more fully define the Applicants' invention and is believed to be fully distinguished over the prior art of record.

New Claims 91-95 depend from new Claim 90 and are believed to be allowable for the same reasons articulated above with respect to Claim 90, and because of the additional features recited therein.

REQUEST FOR TELEPHONE INTERVIEW

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicants' undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the

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effect of the arguments presented above. Applicants' attorney can be reached at (949) 721-2814 or at the number listed below.

CONCLUSION

In view of the forgoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/22/07

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